



STATE OF MICHIGAN
DEPARTMENT OF EDUCATION
LANSING



JENNIFER M. GRANHOLM
GOVERNOR

MICHAEL P. FLANAGAN
SUPERINTENDENT OF
PUBLIC INSTRUCTION

MEMORANDUM

TO: State Board of Education

FROM: Michael P. Flanagan

DATE: November 27, 2006

SUBJECT: Approval of Criteria for Title III, Section 3114 Within State Allocations
and Section 3115 Subgrants to Eligible Entities

The Michigan Department of Education (MDE) administers Title III – English Language Acquisition and Immigrant Education components of No Child Left Behind. The Immigrant Education subgrant provides immigrant children and youth with instruction to meet state standards and to help them with transition into American society. The English Language Acquisition Program subgrant (LAP) provides supplementary instruction to Limited English Proficient (LEP) students for the speedy acquisition of English proficiency and meeting challenging state standards.

Under state and federal rules, up to 5 percent of Title III is reserved for state activities. Of the remainder, 85 percent must be used for the LAP subgrant, and up to 15 percent may be used for the Immigrant subgrant. Eligibility for the Immigrant subgrant is determined on a student basis, but funding is based on the average increase of eligible students in the school district. This can result in the majority of eligible students not getting funding. In November 2003, the State Board of Education added the condition that 100 percent of the Title III funds will be used for the LAP subgrant if the Immigrant formula excludes more than 50 percent of the eligible students. The Department has applied these criteria in the intervening years with the result that no immigrant funds have been awarded. The same was true for the 2006-2007 school year. Allocations were made for the LAP programs based on these criteria.

In September 2006, the United States Department of Education (USDoE) informed all states that the Title III Immigrant subgrant cannot be eliminated completely and that at least one Immigrant subgrant must be funded each year. Awarding the Immigrant subgrant based on existing criteria will result in a significant reduction of the LAP allocations already announced to local districts.

Department staff propose that, in compliance with USDoE requirements, only one Immigrant subgrant be funded for the 2006-2007 school year. Following the existing allocation criteria will result in an allocation of \$346,158 to one local educational agency. This method will create the least disruption to school districts already operating LAP programs that will now face a reduction in funding.

For the 2007-2008 school year, Department staff will review the criteria and, in light of the USDoE requirements, make a recommendation to the State Board of Education regarding future criteria.

It is recommended that the State Board of Education approve the revised criteria for the Title III, Section 3114 Within State Allocations and Section 3115 Subgrants to Eligible Entities, as attached to the Superintendent's memorandum dated November 27, 2006.

**MICHIGAN
STATE BOARD OF EDUCATION**

Criteria for Title III, Section 3114, of NCLB Act of 2001

The State Board of Education has adopted as its Strategic Goal "Attain substantial and meaningful improvement in academic achievement for all students/children with primary emphasis on high priority schools and students." In addition, the State Board has adopted the following five Strategic Initiatives to implement the goal:

- Ensuring Excellent Educators
- Elevating Educational Leadership
- Embracing the Information Age
- Ensuring Early Childhood Literacy
- Integrating Communities and Schools

To the extent possible, all grant criteria and grant awards will include priority consideration of the Strategic Goal and the Strategic Initiatives.

BACKGROUND/PURPOSE OF GRANT

☐ Competitive ☒ Formula ☐ New ☒ Continuation *(check all that apply)*

The Title III Grant is composed of two different grant programs: (1) The Language Instruction for Limited English Proficient (LEP) students, and (2) Education of Immigrant Children and Youth. The LEP subgrant provides supplementary instruction to LEP students for the speedy acquisition of English language proficiency and for meeting challenging state standards. The Immigrant Education subgrant provides supplementary instruction to immigrant children and youth to help meet challenging Michigan standards and to help with their transition into American Society.

Five percent of the Title III grant is reserved for state activities. Of the remainder, 85 percent is reserved for the LEP subgrant and up to 15 percent for the Immigrant subgrant. The LEP subgrant is based on per pupil amount of the total of LEP students divided by the total amount of money available for this purpose. In 2006-2007, the LEP per pupil amount is about \$125. To qualify for the Title III LEP subgrant, a district must have enough students to get at least \$10,000.

Funding for the Immigrant subgrant is based on having at least 20 eligible students and having an increase of immigrant students greater than the state average for one of the two preceding years. Each Immigrant program, receives a base allocation of \$10,000 plus a per pupil amount. In November 2003, the State Board of Education revised the rules for Immigrant subgrant to read: "100% of the Title III funds will be used for the LEP subgrant if the immigrant portion of the formula excludes more than 50% of the eligible student."

LEGISLATION

Title III, Section 3114 Within State Allocations and Section 3115 Subgrants to Eligible Entities of No Child Left Behind.

RATIONALE FOR CRITERIA

In September 2006, the U.S. Department of Education, Office of English Language Acquisition, issued a memorandum stating that "A State must reserve at least enough funds to make one subgrant to an eligible LEA to serve immigrant students that is of sufficient size and scope to carry out a quality program. Thus, while a State can decide that it reserved too much money for subgrants under Section 3114(d), and reduced the level of that reservation, it cannot eliminate that reservation completely. A State, therefore, cannot

reallocate to the LEP formula program the amount of its Title III grant needed to make at least one subgrant under Section 3114(a)."

CRITERIA

☒ Defined in Legislation ☐ Defined in Department's Grant ☐ Proposed by Staff

A minimum of 85 percent (85%) of the Title III funds will be designated for English language instruction for LEP students and a maximum of 15 percent (15%) for services for immigrant students. One hundred percent (100%) of the funds will be used for English language instruction subgrants for LEP students if the immigrant portion of the formula excludes more than 50 percent (50%) of the eligible students.

Subgrants for English language instruction for LEP students will be distributed on a per pupil basis.

Grants for services for immigrant students will be awarded on a per pupil basis to school districts and public school academies with at least 20 immigrant students and an increase in the immigrant student population for each of the two preceding years with the percentage increase for at least one of those years being greater than the average percentage increase for the state. A minimum grant award will be established at \$10,000.

Award only one grant for 2006-2007 school year.

ELIGIBLE APPLICANTS/TARGET POPULATION TO BE SERVED BY GRANT

Local educational agencies, public school academies and intermediate school districts with eligible immigrant students.

TOTAL FUNDS AVAILABLE

\$346,158

OFFICE ADMINISTERING GRANT/PROGRAM CONTACT

Office of School Improvement, Linda Forward, Supervisor of Academic Support.